

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 06-CR-30097-MJR
)	
VICTOR GUTIERREZ-ARRIAGA,)	
)	
Defendant.)	

MEMORANDUM and ORDER

REAGAN, District Judge:

Indicted four weeks ago on charges of being an unlawful alien in possession of a firearm, Victor Gutierrez-Arriaga ("Arriaga") entered a not guilty plea and was set for trial on September 19, 2006. Arriaga's initial counsel withdrew on August 17th. New counsel was appointed for Arriaga - attorney David M. Williams. On August 21st, Williams filed two motions on Arriaga's behalf - neither of which the Government objects to - a motion to appoint an interpreter and a motion to continue trial. The Court hereby **PARTIALLY GRANTS** and **PARTIALLY DENIES** one motion (Doc. 13) and **GRANTS** the other (Doc. 14).

Court personnel will arrange for an interpreter to be present at all in-court proceedings (*e.g.*, plea, motion hearing, trial, sentencing), without the undersigned Judge having to issue a written Order herein. An "Interpreter Usage Report" will be generated and e-filed by the Courtroom Deputy following any such proceeding. Attorney-client conferences at the jail and other pretrial meetings *not* constituting an official

court appearance/proceeding are handled differently. As a CJA-Panel attorney, Williams is entitled to expend funds on expert and other services in this case, subject to applicable statutory maxima/caps. Such services are paid for via CJA funding.

Therefore, the Court **GRANTS** the motion to appoint interpreter (Doc. 13) to the extent necessary. Williams can employ the services of an interpreter/translator on Arriaga's behalf, with the understanding that Williams must submit the appropriate CJA paperwork supporting these expenditures. The Court **DENIES** the motion to appoint interpreter (Doc. 13) to the extent that such motion is not needed for in-Court proceedings *and* to the extent that the motion specifically sought the appointment of Fernando Torres.

The Court has the utmost respect for Torres' abilities but cannot - at this time - commit Torres to all dates and locations that translation may be required, including assisting Arriaga and Williams with documents, translating conversations between Arriaga and Williams, and translating at Court proceedings in this case.

The Court now turns to Arriaga's motion for continuance. New defense counsel just entered the case on August 21, 2006. As outlined above, Arriaga and his counsel will need the services of a translator for their conferences and for any documents they exchange or review. This will require certain logistic coordination and, undoubtedly, take time. Additionally, defense counsel has a knee replacement surgery on August 28, 2006 which will render him unavailable for full-time practice for several weeks. Finally, the Government does not object to the continuance request.

Having considered all these factors, the Court **FINDS** that the ends of justice served by this brief continuance outweigh the best interest of the public and Defendant Arriaga in a speedy trial. Accordingly, the Court **GRANTS** Defendant's motion to continue (Doc. 14) and **CONTINUES** trial to 9:00 a.m. on Monday, October 16, 2006.

The period of delay resulting from this continuance shall be excluded for purposes of the Speedy Trial Act, 18 U.S.C. § 3161(h).

IT IS SO ORDERED.

DATED this 22nd day of August 2006.

s/ Michael J. Reagan
MICHAEL J. REAGAN
United States District Judge